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BRIARCLIFF MANOR, NY 10510

EXAMINER	
VAN HANDEL, MICHAEL P	

ART UNIT	PAPER NUMBER
2617	

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/915,683	GUTTA ET AL.	
	Examiner	Art Unit	
	Michael Van Handel	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

- Reference is made to Fig. 3 on p. 7, l. 18 of the specification, but Fig. 3 does not exist. Examiner recommends that "Fig. 3" be changed to "Fig. 2".
- Reference is made to Fig. 3 on p. 8, l. 7 of the specification, but Fig. 3 does not exist. Examiner recommends that "Fig. 3" be changed to "Fig. 2".
- Reference is made to Fig. 3 on p. 9, l. 4 of the specification, but Fig. 3 does not exist. Examiner recommends that "Fig. 3" be changed to "Fig. 2".
- Reference is made to Fig. 2(b) on p. 10, l. 8 of the specification, but Fig. 2(b) does not exist. Examiner recommends that "Fig. 2(b)" be changed to "Fig. 3(b)".
- Applicant refers to the viewing history as reference number 12 on p. 10, l. 14 of the specification. Examiner recommends that "12" be changed to "14".
- Line number 230 of Fig. 3b is not mentioned in the specification.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

3. Claim 18 recites the limitation "The method of claim 15" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Specifically, the preamble of claim 15 reads "A system for switching a commercial for a user", which does not correspond to claim 18's preamble "The method of claim 15".

4. Claim 18 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. The term "in advance" in claim 18 is a relative term, which renders the claim indefinite. The term "in advance" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Specifically, the statement "data representative of said plurality of commercials liked by said user is interactively created in advance" does not refer to anything that the data is created in advance of.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 4-6, 8, 12, 14, 15, 17, 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Shah-Nazaroff et al.

Referring to claim 1, Shah-Nazaroff et al. discloses an entertainment system 100 for rending commercials comprising:

- using user characteristics gathered and maintained by user characteristic subsystem 106 (obtaining a user profile indicating television commercials preferred by a user)(col. 4, l. 12-18, l. 26-38)(Fig. 3).
- determining commercial breakpoints (analyzing incoming television programs in a channel viewed by a user to detect the beginning and ending positions of each commercial between the television programs)(col. 3, l. 50-67 and col. 4, l. 1-11)(Figs. 1, 2).
- computing an interest potential index, at rendering subsystem 104 in step 302, for each of different versions of commercials to predict the interest potential to the user (comparing the detected commercial to the user profile to determine whether the detected commercial is desired by the user)(col. 4, l. 25-34)(Fig. 3).
- saving previously rendered commercials in entertainment system 100 that are of interest to the user. Rendering system 104 includes these saved previously rendered commercials in its commercial selection determination 302, 304 (retrieving a replacement commercial preferred by the user from a storage means if the detected commercial is not liked by the user)(col. 5, l. 30-35)(Fig. 3).
- rendering the version, at rendering subsystem 104 in step 304, with the greatest likelihood of interest to the user, per the computed interest potential indices (switching the detected commercial with the replacement commercial)(col. 4, l. 30-34)(Figs. 1, 3).

Referring to claim 4, Shah-Nazaroff et al. discloses an entertainment system 100 that is further equipped with the capability of saving previously rendered commercials that are of

interest to the user (the step of storing a plurality of prerecorded commercials liked by the user from a plurality of television channels in a storage means)(col. 5, l. 30-32)(Fig. 1).

Referring to claim 5, Shah-Nazaroff et al. discloses a step of storing user characteristic data on a storage device, such as mass storage device 620 (the step of storing the profile data in a user profile storage means)(col. 8, l. 30-35)(col. 8, l. 40-45)(Figs. 1, 6).

Referring to claim 6, Shah-Nazaroff et al. discloses a user characteristic gathering subsystem 106 representing a broad range of subsystems, including basic subsystems with rudimentary functions for statically gathering basic profile data from users of entertainment system 100 (user profile obtaining step further comprises the step of interactively creating the user profile in advance of the analysis step of the television programs)(col. 3, l. 34-47)(Fig. 1).

Referring to claim 8, Shah-Nazaroff et al. discloses an entertainment system 100 for rending commercials comprising:

- dynamically gathering entertainment consumption habits, such as television viewing habits of the users of entertainment system 100 (obtaining a viewing history for a user)(col. 3, l. 39-42)(Fig. 1)
- determining commercial breakpoints (analyzing incoming television programs in a channel viewed by a user to detect the beginning and ending positions of each commercial between the television programs)(col. 3, l. 50-67 and col. 4, l. 1-11)(Figs. 1, 2).
- computing an interest potential index, at rendering subsystem 104 in step 302, for each of different versions of commercials to predict the interest potential to the user

(comparing the detected commercial to the viewing history to determine whether the detected commercial is liked by the user)(col. 4, l. 25-34)(Fig. 3).

- saving previously rendered commercials in entertainment system 100 that are of interest to the user. Rendering system 104 includes these saved previously rendered commercials in its commercial selection determination 302, 304 (retrieving a replacement commercial liked by the user from a storage means if the detected commercial is not liked by the user)(col. 5, l. 30-35)(Fig. 3).
- rendering the version, at rendering subsystem 104 in step 304, with the greatest likelihood of interest to the user, per the computed interest potential indices (switching the detected commercial with the replacement commercial)(col. 4, l. 30-34)(Figs. 1, 3).

Referring to claim 12, Shah-Nazaroff et al. discloses an entertainment system 100 that is further equipped with the capability of saving previously rendered commercials that are of interest to the user (the step of storing a plurality of prerecorded commercials liked by the user from a plurality of television channels in a storage means)(col. 5, l. 30-32)(Fig. 1).

Referring to claim 14, Shah-Nazaroff et al. discloses an entertainment system 100 for rending commercials, comprising:

- mass storage 620 used to provide permanent storage for data and programming instructions and system memory 614 used to provide temporary storage for data and programming instructions when executed by processor 602 (a memory for storing a computer-readable code)(col. 8, l. 4-8)(Fig. 6)

- a processor 602 coupled to system memory 614 and mass storage 620 (Fig. 6) that executes software routines comprising a plurality or series of instructions to be executed. The various steps involved in the system are performed by these software routines (a processor operatively coupled to the memory, with the processor being configured to):
    - use user characteristics gathered and maintained by user characteristic subsystem 106 (obtain data representative of television commercials liked by the user)(col. 4, l. 12-18, l. 26-38)(Fig. 3).
    - determine commercial breakpoints (analyze incoming television programs in a channel viewed by a user to detect the beginning and ending positions of each commercial between the television programs)(col. 3, l. 50-67 and col. 4, l. 1-11)(Figs. 1, 2).
    - compute an interest potential index, at rendering subsystem 104 in step 302, for each of different versions of commercials to predict the interest potential to the user (compare the detected commercial to the user profile to determine whether the detected commercial is desired by the user)(col. 4, l. 25-34)(Fig. 3).
    - save previously rendered commercials in entertainment system 100 that are of interest to the user. Rendering system 104 includes these saved previously rendered commercials in its commercial selection determination 302, 304 (retrieving a replacement commercial preferred by the user from a storage

means if the detected commercial is not liked by the user)(col. 5, l. 30-35)(Fig. 3).

- render the version, at rendering subsystem 104 in step 304, with the greatest likelihood of interest to the user, per the computed interest potential indices (swap the detected commercial with the replacement commercial)(col. 4, l. 30-34)(Figs. 1, 3).

Referring to claim 15, Shah-Nazaroff et al. discloses an entertainment system 100 for rending commercials, comprising:

- mass storage 620 used to provide permanent storage for data (first storage means for storing data representative of a plurality of commercials liked by a user)(col. 8, l. 4-5 and col. 3, l. 34-42)(Fig. 6)
- a system for determining commercial breakpoints (a detection means, coupled to receive incoming television programs viewed by the user, for detecting the beginning and ending of each commercial in the television programs)(col. 3, l. 62-67 and col. 4, l. 1-11)(Fig. 1)
- the capability of saving previously rendered commercials that are of interest to the user (a second storage means for storing a plurality of pre-recorded commercials liked by the user from a plurality of channels)(col. 5, l. 30-35 and col. 8, l. 4-8, 27-29)(Fig. 6)
- a rendering subsystem 104 that performs its conventional primary function of rendering an entertainment program (a controlling means, coupled to the first storage means and the second storage means for determining whether the detected

commercial in a particular channel is liked by the user based on a comparison between the detected commercial and the data stored in the first storage means)(col. 3, l. 27-30, 50-61 and col. 4, l. 12-18, 26-38 and col. 6, l. 25-31)(Figs. 1-3, 5)

- a rendering subsystem 104 that renders the version of commercial with the greatest likelihood of interest to the user (switch means coupled to the controlling means for switching a commercial not liked by the user in a current channel with a pre-recorded commercial liked by the user from the second storage means)(col. 3, l. 27-30 and col. 4, l. 22-38 and col. 5, l. 30-35)(Figs. 1, 3)

Referring to claim 17, Shah-Nazaroff et al. discloses a television/display device 502 (display means for displaying the output signals of the switching means)(col. 5, l. 50)(Fig. 5).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claims 2, 3, 10, 11, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shah-Nazaroff et al. in view of Menard et al.

Referring to claim 2, Shah-Nazaroff et al. discloses a system for determining commercial breaks (col. 3, l. 50-67 and col. 4, l. 1-11)(Figs. 1, 2). Shah-Nazaroff et al. does not disclose determining commercial breaks including the steps of:

- detecting a frequency of key words that appeared within a predetermined time period
- comparing the detected frequency to a threshold value

- classifying as the beginning and ending of a new commercial if the detected frequency exceeds a threshold value

Menard et al. discloses an alert system where an alert signal is generated to alert the user when selected key words appear in the closed caption data stream. The example Menard et al. uses, is that the system might trigger an alert if the words CLINTON and YELTSIN occur within an adjacent stream of twenty words (col. 5, l. 28-32). The examiner notes that there is an intrinsic relationship between predetermined words in a closed caption data stream and time. Menard et al. also discloses a caption pattern unit 53 that can carry out pattern matches on the basis of Boolean combinations of keywords entered by the user through a keyboard 29. The example given is that the pattern matching circuit 53 might trigger an event if two selected words occur within a stream of twenty adjacent words (col. 8, l. 10-15)(Figs. 8, 9). Menard et al. also discloses that users can configure the monitoring software for particular words, phrases, or general content, and perform particular actions upon alerts (col. 6, l. 49-51). These actions can essentially be any action the computer can be programmed to perform (col. 5, l. 60-61). The example given is that a television viewer wants to watch the movie "Gone With The Wind". The viewer sets the computer to beep when the words "I don't give a damn" are spoken (col. 6, l. 28-31). It is noted by the examiner that this is just an example and that keywords or phrases representative of the beginnings and endings of commercials could instead be stored in the computer to alert the user of commercial breaks. The alert could initiate the commercial switching methods of a commercial switching apparatus. It would have been obvious to anyone of ordinary skill in the art at the time that the invention was made to modify the commercial switching system of Shah-Nazaroff et al. to include a frequency of keyword detection and alert

system such as that taught by Menard et al. in order to detect commercial breaks based on the matching of keywords or phrases that are representative of the beginnings and endings of television commercials.

Referring to claim 3, Shah-Nazaroff et al. discloses a system for determining commercial breaks (col. 3, l. 50-67 and col. 4, l. 1-11)(Figs. 1, 2). Shah-Nazaroff et al. does not disclose that the method of determining commercial breaks comprise the step of converting the video signals of the incoming television programs into a time-based map of closed captioning data. Menard et al. discloses a method of synchronizing and tagging video, audio, and closed caption data streams for time of arrival (col. 5, l. 3-4)(col. 6, l. 39-42)(Figs. 1, 2). Additionally, Menard et al. discloses a method of acquiring closed caption text. Closed caption text can be acquired by acquisition from a closed captioning stream, by extracting text from the audio stream using voice recognition techniques, or by extracting text from a video stream by using pattern recognition techniques (col. 6, l. 57-67 and col. 7, l. 1-16)(Figs. 3, 4, 5). It would have been obvious to anyone of ordinary skill in the art at the time that the invention was made to modify Shah-Nazaroff et al. to include a method of synchronizing and tagging video, audio, and closed caption data streams for time of arrival and to include a method of converting incoming video and audio streams into closed captioning text such as that taught by Menard et al. in order to utilize audio or video streams as text in a method of keyword threshold matching to be used in the determination of commercial breaks.

Referring to claim 10, Shah-Nazaroff et al. discloses an entertainment system 100 for rending commercials. Shah-Nazaroff et al. does not disclose that the method of determining commercial breaks comprise the step of converting the video signals of the incoming television

programs into a time-based map of closed captioning data. Menard et al. discloses a method of synchronizing and tagging video, audio, and closed caption data streams for time of arrival (col. 5, l. 3-4)(col. 6, l. 39-42)(Figs. 1, 2). Additionally, Menard et al. discloses a method of acquiring closed caption text. Closed caption text can be acquired by acquisition from a closed captioning stream, by extracting text from the audio stream using voice recognition techniques, or by extracting text from a video stream by using pattern recognition techniques (col. 6, l. 57-67 and col. 7, l. 1-16)(Figs. 3, 4, 5). It would have been obvious to anyone of ordinary skill in the art at the time that the invention was made to modify Shah-Nazaroff et al. to include a method of synchronizing and tagging video, audio, and closed caption data streams for time of arrival and to include a method of converting incoming video and audio streams into closed captioning text such as that taught by Menard et al. in order to utilize audio or video streams as text in a method of keyword threshold matching to be used in the determination of commercial breaks.

Referring to claim 11, Shah-Nazaroff et al. discloses an entertainment system 100 for rending commercials. Shah-Nazaroff et al. does not disclose determining commercial breaks including the steps of:

- detecting a frequency of key words that appeared within a predetermined time period
- comparing the detected frequency to a threshold value
- classifying as the beginning and ending of a new commercial if the detected frequency exceeds a threshold value

Menard et al. discloses an alert system where an alert signal is generated to alert the user when selected key words appear in the closed caption data stream. The example Menard et al. uses, is that the system might trigger an alert if the words CLINTON and YELTSIN occur within an

adjacent stream of twenty words (col. 5, l. 28-32). The examiner notes that there is an intrinsic relationship between predetermined words in a closed caption data stream and time. Menard et al. also discloses a caption pattern unit 53 that can carry out pattern matches on the basis of Boolean combinations of keywords entered by the user through a keyboard 29. The example given is that the pattern matching circuit 53 might trigger an event if two selected words occur within a stream of twenty adjacent words (col. 8, l. 10-15)(Figs. 8, 9). Menard et al. also discloses that users can configure the monitoring software for particular words, phrases, or general content, and perform particular actions upon alerts (col. 6, l. 49-51). These actions can essentially be any action the computer can be programmed to perform (col. 5, l. 60-61). The example given is that a television viewer wants to watch the movie "Gone With The Wind". The viewer sets the computer to beep when the words "I don't give a damn" are spoken (col. 6, l. 28-31). It is noted by the examiner that this is just an example and that keywords or phrases representative of the beginnings and endings of commercials could instead be stored in the computer to alert the user of commercial breaks. The alert could initiate the commercial switching methods of a commercial switching apparatus. It would have been obvious to anyone of ordinary skill in the art at the time that the invention was made to modify the commercial switching system of Shah-Nazaroff et al. to include a frequency of keyword detection and alert system such as that taught by Menard et al. in order to detect commercial breaks based on the matching of keywords or phrases that are representative of the beginnings and endings of television commercials.

Referring to claim 16, Shah-Nazaroff et al. discloses an entertainment system 100 for rending commercials. Shah-Nazaroff et al. does not disclose a converting means for converting

incoming television programs into a time-based map of closed captioning data. Menard et al. discloses a monitoring system 1, a video capture unit 9, a closed caption capture unit 10, and an audio capture unit 11, and unit 12 (col. 4, l. 63-65). Video, audio, and closed caption data streams are synchronized and tagged for time of arrival (col. 5, l. 3-4)(col. 6, l. 39-42)(Figs. 1, 2). Closed caption text is acquired by acquisition from a closed captioning stream, by extracting text from the audio stream using voice recognition techniques, or by extracting text from a video stream by using pattern recognition techniques (col. 6, l. 57-67 and col. 7, l. 1-16)(Figs. 3, 4, 5). It would have been obvious to anyone of ordinary skill in the art at the time that the invention was made to modify Shah-Nazaroff et al. to include a system for synchronizing and tagging video, audio, and closed caption data streams for time of arrival and to include a system for converting incoming video and audio streams into closed captioning text such as that taught by Menard et al. in order to utilize audio or video streams as text in a method of keyword threshold matching to be used in the determination of commercial breaks.

10. Claims 7, 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shah-Nazaroff et al. in view of Chang et al.

Referring to claim 7, Shah-Nazaroff et al. discloses an entertainment system 100 for rending commercials. Shah-Nazaroff et al. does not disclose a step of selectively imposing an additional advertisement charge if a switching step is performed. Chang et al. discloses a step where a STB 22 uploads commercial viewing history to a head end 10, allowing the head end to charge advertisers in accordance with the frequency of commercials viewed (p. 6, paragraph 55, l. 16-19)(Figs. 1, 4). It would have been obvious to anyone of ordinary skill in the art at the time that the invention was made to modify Shah-Nazaroff et al. to include a step of uploading a

commercial viewing history to a head end to enable the head end to charge advertisers in accordance with the frequency of commercials viewed such as that taught by Chang et al. in order to more effectively charge advertisers differing amounts dependent on how often their commercials are viewed.

Referring to claim 13, Shah-Nazaroff et al. discloses an entertainment system 100 for rending commercials. Shah-Nazaroff et al. does not disclose a step of selectively imposing an additional advertisement charge if a switching step is performed. Chang et al. discloses a step where a STB 22 uploads commercial viewing history to a head end 10, allowing the head end to charge advertisers in accordance with the frequency of commercials viewed (p. 6, paragraph 55, l. 16-19)(Figs. 1, 4). It would have been obvious to anyone of ordinary skill in the art at the time that the invention was made to modify Shah-Nazaroff et al. to include a step of uploading a commercial viewing history to a head end to enable the head end to charge advertisers in accordance with the frequency of commercials viewed such as that taught by Chang et al. in order to more effectively charge advertisers differing amounts dependent on how often their commercials are viewed.

11. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shah-Nazaroff et al. in view of Saitoh.

Referring to claim 9, Shah-Nazaroff et al. discloses an entertainment system 100 for rending commercials, comprising the steps of:

- computing an interest potential index for each of different versions of commercials, including stored previously rendered commercials that are of interest to the user, to predict the interest potential to the user (analyzing the data to classify the plurality of

commercials into a preference map of commercials mostly watched by the user)(col. 4, l. 25-29 and col. 5, l. 30-35)(Figs. 1, 3)

- saving previously rendered commercials in an entertainment system 100 that are of interest to the user (storing the preference map in a storage means)(col. 5, l. 30-32)(Fig. 1).

Shah-Nazaroff et al. also discloses advanced subsystems with sophisticated functions for dynamically gathering entertainment consumption habits, such as television viewing habits of the users of entertainment system 100 (col. 3, l. 39-42)(Fig. 1). Shah-Nazaroff et al. does not disclose a predetermined time period during which the system monitors data representative of a plurality of commercials watched by the user. Saitoh discloses a weekly tuning information storage unit for storing data representing a personal weekly viewing trend (col. 3, l. 38-46). It would have been obvious to anyone of ordinary skill in the art at the time that the invention was made to modify Shah-Nazaroff et al. to include the step of creating a viewing history on a weekly basis such as that taught by Saitoh in order to monitor viewing habits over a predetermined period of time, thereby maintaining a viewing history that is more accurate description of a user's current viewing habits.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Van Handel whose telephone number is 571.272.5968. The examiner can normally be reached on Monday-Friday, 8:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571.272.7331. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Van Handel
Examiner
Art Unit 2616

MVH

CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600